



Order Filed on September 16, 2024

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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ATTORNEYS FOR TH MSR Holdings LLC c/o

RoundPoint Mortgage Servicing, LLC

In Re:

Carlos J Bautista-Escobar

DEBTOR

Case No.: 22-20064

Chapter: 13

Hearing Date: 8/8/2024

Judge: JKS

Recommended Local Form

Followed

Modified

**ORDER RESOLVING CREDITOR'S MOTION FOR RELIEF
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

**DATED: September 16,
2024**



Honorable John K. Sherwood
United States Bankruptcy Court

Applicant: TH MSR Holdings LLC c/o RoundPoint Mortgage Servicing, LLC

Applicant's Counsel: Sarah K. McCaffery, Esquire/Pincus Law Group, PLLC

Debtor's Counsel: Russell L. Low, Esquire

Property Involved ("Collateral"): 809 73rd Street, North Bergen, NJ 07047

- Relief sought:
- Motion for Relief
 - Motion to dismiss
 - Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- The Debtor is overdue for 3 months from 06/01/2024 to 08/01/2024 less suspense at \$2,526.25
- The Debtor is overdue for 3 payments at \$3,006.18 per month
- The Debtor is assessed for _____ late charges at \$ _____ per month.
- Applicant acknowledges receipt of funds in the amount of \$ _____ received after the motion was filed.

Total Arrearages Due \$6,492.29

2. Debtor must cure all post-petition arrearages, as follows:

- Immediate payment shall be made in the amount of \$ _____. Payment shall be made no later than _____.
- Beginning on 09/01/2024, regular monthly mortgage payments shall continue to be made in the amount of \$3,006.18.
- Beginning on 09/01/2024, additional monthly cure payments shall be made in the amount of \$1,082.05 for 5 months and \$1,082.04 for 1 month.

The amount of \$ _____ shall be capitalized in the debtor's Chapter 13 plan.

3. Payments to the Secured Creditor shall be made to the following address(es):

Immediate payment: _____

Regular monthly payment: RoundPoint Mortgage Servicing LLC

P.O. Box 19409

Charlotte, NC 28219-940

Monthly cure payment: _____

4. In the event of Default:

If the Debtor fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

The Applicant is awarded attorneys fees of \$500.00, and costs of \$ 199.00.

The fees and costs are payable:

through the Chapter 13 plan.

to the Secured Creditor within _____ days.

Attorneys' fees are not awarded.

In re:
Carlos J Bautista-Escobar
Debtor

Case No. 22-20064-JKS
Chapter 13

District/off: 0312-2
Date Rcvd: Sep 17, 2024

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol Definition

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 19, 2024:

Recip ID	Recipient Name and Address
db	+ Carlos J Bautista-Escobar, 809 73rd Street, North Bergen, NJ 07047-4801

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 19, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 17, 2024 at the address(es) listed below:

Name	Email Address
Denise E. Carlon	on behalf of Creditor MATRIX FINANCIAL SERVICES CORP. dcarlon@kmllawgroup.com bkgroup@kmllawgroup.com
Jerome Blank	on behalf of Creditor MATRIX FINANCIAL SERVICES CORP. jblank@pincuslaw.com amautz@pincuslaw.com
Marie-Ann Greenberg	magecf@magtrustee.com
Russell L. Low	on behalf of Debtor Carlos J Bautista-Escobar ecf@lowbankruptcy.com ecf@lowbankruptcy.com;r57808@notify.bestcase.com
Sarah K. McCaffery	on behalf of Creditor TH MSR Holdings LLC c/o RoundPoint Mortgage Servicing LLC smccaffery@pincuslaw.com, ckohn@hoflawgroup.com
Sarah K. McCaffery	

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: Sep 17, 2024

Form ID: pdf903

Total Noticed: 1

on behalf of Creditor MATRIX FINANCIAL SERVICES CORP. smccaffery@pincuslaw.com ckohn@hoflawgroup.com

U.S. Trustee

USTPRegion03.NE.EDCF@usdoj.gov

TOTAL: 7